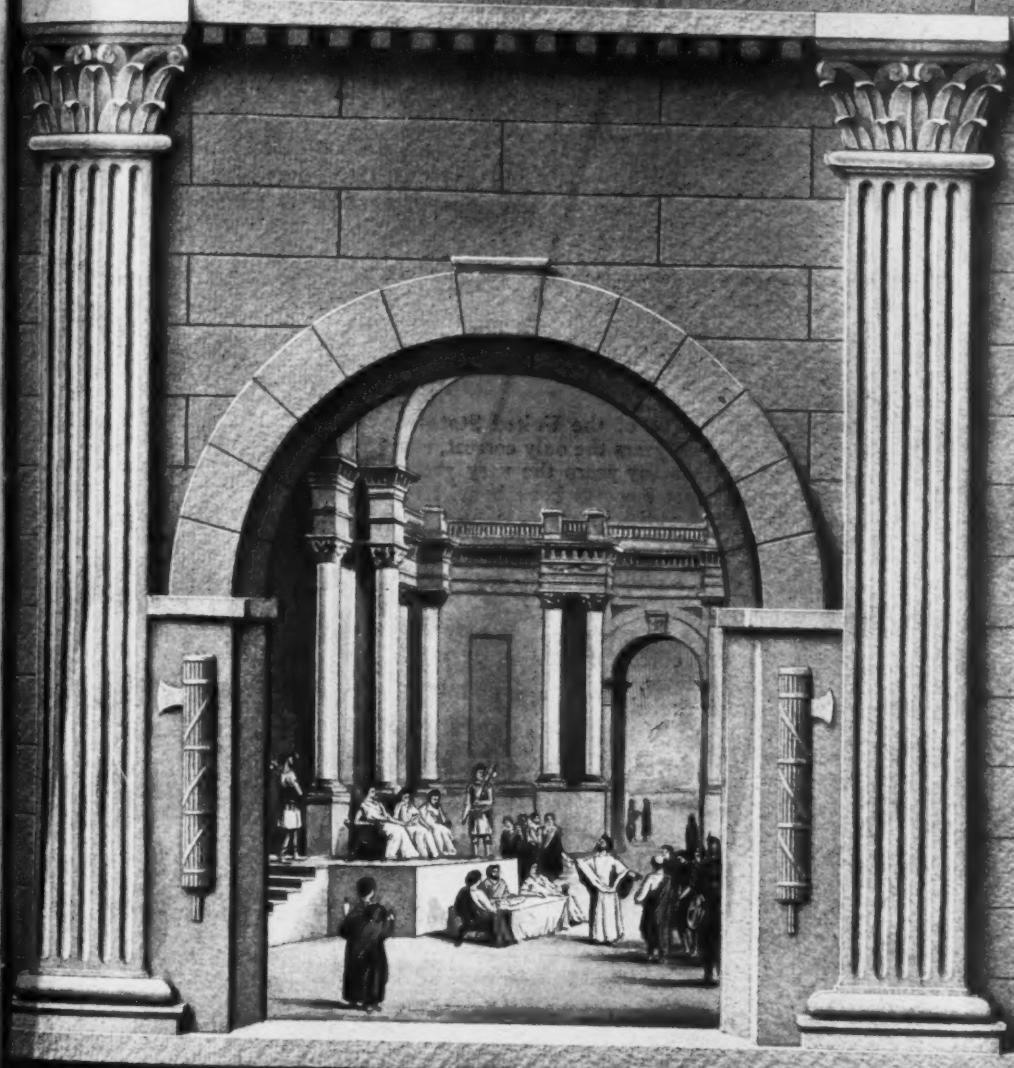


# CASE AND COMMENT

CALIFORNIA  
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DECEMBER, 1908



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## *Whom the Nation Delights to Honor.*

No higher proof of the intelligence, ideals, and character of the American people is needed than they have furnished in the selection of their chief magistrates. Some of them were not extraordinarily great men, or even as great as some of their contemporary statesmen. But there is not one in the already long line of our Presidents for whom the nation has reason to blush. All of them have been men of recognized abilities, patriotic purposes, and high character. Allowing for all the different degrees of their eminence, the line from Washington to Roosevelt is one of which Americans have a right to be proud. This is true, not only of the men actually elected to the presidency, but of their chief rivals, usually representing the choice of well-nigh half the people, who failed of election. They, too, have been men in whose character the people

trusted, and whose abilities were worthy of honor. Some of them have been among our greatest statesmen. The campaign just closed adds another illustration of the truth of these reflections. The two chief candidates represent the highest types of manhood, and are honored by the entire nation for their great ability and stainless character. Politicians of low degree often win success in their lesser fields by discreditable methods. But the man who stands out in the fierce light that beats upon a candidate for our highest office, if weak in intellect or unsound in character, would meet swift rejection. It is a lofty tribute to the American people that no conspicuously unworthy man can succeed in getting even a nomination for the presidency from either of the great political parties.

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## *Do the People Rule?*

"The only country in which the sovereign will of the people is absolutely practical and real is America; on the other side of the Atlantic and Pacific oceans the sovereignty of the people has no existence." These words of Professor Miyakawa—a Japanese of remarkable attainments, and one of the lecturers at the State University Law School of Indiana, and an editor of the Comparative Law Bureau of the American Bar Association—need to be more clearly appreciated by some of the more excited and unbalanced agitators who now and then become so incensed over existing evils that they condemn our system of government. Demagogues and dreamers

may talk about some social and political order that would constitute a panacea for all evil. But, in a government where the people themselves choose by their own votes their lawmakers and executives, and, if they please, can change even the fundamental laws embodied in their Constitution, it is as clear as the noonday that whatever defects there may be in government are due, not to the system, but to the people. Professor Miyakawa has seen and sharply stated this obvious truth. He says: "There is not a blot on our body politic to-day that the better element of the people could not remove if they resolved to do so. They will so resolve in good time, as they have always

done in the past. There is not a defect or deformity in our political administration that they cannot and will not correct by the peaceful expression of their sober convictions and in the legitimate way pointed out by their free institutions.

"It would be well always to keep in mind this reserved power of the people so immediately connected with the preservation of their government. It has been the source of safety in all times past, in peace and in war, and it is today, and will ever continue to be, the omnipotent power that forbids us to doubt the complete success of free government. The virtue and intelligence of the people are the sure bulwark of safety for a Republic."

If any American has been pessimistic about our institutions, these simple and sane statements of obvious truth by a Japanese observer should bring him back to a sane recognition of the truth that the people of this country can have just such government as they demand. He is blind, moreover, who cannot see that high ideals of social and civic affairs are to-day more potent than ever before.

That the people do rule was emphatically shown in the political events of this year. To a surprising extent their independence was shown by majorities in the same state for a Republican President and a Democratic governor. In New York state the hottest battle between the people and the politicians was fought over the renomination of Governor Hughes. The result was that, against substantially unanimous opposition of the politicians of both parties, his nomination was compelled by popular demand. His election, notwithstanding the opposition of such powerful interests as the race-track gamblers, was made possible by the support of many who belonged to the opposing political party. In these particulars and others this year's experience therefore shows that, whether the people decide wisely or not, they do know how to register their own will and enforce it.

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#### *Notice by Telephone.*

An unreported decision by a judge of the London city court, to the effect that

notice of dishonor of a bill of exchange cannot be given by telephone, was briefly commented on in the London Law Journal. It says that it does not find anything in the bills of exchange act to justify this view, as the act says the notice may be given by writing, or by personal communication, and to either the party himself, or his agent. Admitting the difficulty of proving that one to whom the telephone notice was given was the party intended, or a proper agent for that purpose, the Law Journal says there is "no justification for the view that notice by telephone, which we take to be the same as a verbal notice, is invalid." This seems to be the first case in which the question has arisen. In the case of *Lyles v. Western U. Teleg. Co.* 77 S. C. 174, 57 S. E. 725, 12 L.R.A.(N.S.) 534, it was decided that a telegraph company may agree to deliver by telephone a message addressed to a person living beyond the free-delivery limits, though not obliged to give such notice in the absence of agreement. This also appears to be the only case upon the right or duty of a telegraph company to undertake the delivery of a telegraph message by telephone. But in *Planters' Cotton Oil Co. v. Western U. Teleg. Co.* 126 Ga. 621, 55 S. E. 495, 6 L.R.A.(N.S.) 1180, proof that a message was given to a telegraph company for transmission by telephone was held insufficient to show that the company received it and became responsible for its transmission, where it was not proved that the person who received the message was an agent of the company, although he answered the usual call for that company, and, when asked if this was the telegraph company, replied in the affirmative. There was evidence that the sender recognized the voice of the receiver of the message. A note to this case in 6 L.R.A. (N.S.) 1180, reviews a considerable body of decisions as to the necessity and sufficiency of identification as a foundation for the admission of a conversation or communication by telephone. Most of the cases which have dealt with the question show, or at least imply, that, if the telegraph company is connected with the telephone system which is used for the communication, and someone assumes to answer on behalf of the company in an

swer to the usual call, this will be a sufficient *prima facie* case that the answer is actually made from the telephone company's office or place of business, and that, if the message is one that might have been properly delivered personally to one found at the office who assumed to have authority to receive it, such delivery by telephone will be sufficient, though it would be otherwise if the communication was not one made in the usual and routine course of business, but to be properly made only to a particular individual. It must be admitted, however, that the authorities on this point are not entirely agreed, and that some other important questions about the legal effect of telephone communications have not yet been adjudicated.

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#### *Interference with Electric Wires by Moving Building.*

The right to move a building along a public street upon which there is a lawful electric railway, when this will result in seriously interfering with the operation of the cars and the wires, is denied in *Fort Madison Street R. Co. v. Hughes* (Iowa) 114 N. W. 10; 14 L.R.A. (N.S.) 448. Other cases found in a note in the L.R.A. report of this case have held that moving houses along a public highway is not an ordinary use, and is not within the right which is enjoyable by the public in such highway. In one case it was held that a building, under such circumstances, should be moved across an electric railway only in the nighttime, not only to avoid injury to the company by interrupting travel and inconveniencing passengers, but also to prevent danger to the public from disconnecting the wires when the current is on. Another case held that a permission from the common council to move a building along the street did not include permission to interfere with telephone wires, unless they were lower down than the ordinances allowed. Where, in moving a building, a telephone wire was broken, and injury resulted to a pedestrian, it was held, in another case, that the liability

resulted to him, even if the wire was lower than the ordinance permitted. These and other cases found in the note agree in the main with the decision in the *Fort Madison Street R. Co. Case*. The court said in that case: "There is no doubt but that one desiring to change the location of a house or other structure may move it along a public street, providing the conditions of the street are such that this may be done without injury to others having a prior right thereto; and providing, further, that this does not, by interfering with travel, become a nuisance." But, inasmuch as the street railway company had a franchise to run its cars in the street, and as the owner of the house could not move it as intended without occupying the company's track, destroying the trolley line, and interrupting for a considerable time the operation of its cars, it was held that he was not entitled to take the house into that street.

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#### *Illegal Pass as Affecting Passenger's Rights.*

Legislation against the use of passes on railroads has become so common throughout the country that litigation is arising over the rights and liabilities that arise when a passenger attempts to ride on a pass that is illegal. In the recent case of *Bradburn v. Whatcom County R. & Light Co.* 45 Wash. 582, 88 Pac. 1020, 14 L.R.A. (N.S.) 526, an action was brought by a passenger for personal injuries on account of the carrier's negligence, and the defense was that he was riding on a pass in violation of the state Constitution. This was not sustained. The court held that the passenger's right to recover damages for injuries on account of the carrier's negligence did not depend upon the existence of a valid contract for carriage, and that, while he could doubtless maintain an action *ex contractu* for breach of contract to carry safely, he might also maintain an action *ex delicto* for the breach of duty. The court cited a Pennsylvania case to the same effect, and on substantially the same facts, in which the court said that, if the free pass on which the passenger was trying to ride was unlawful, the conductor

should have demanded the regular fare, and that his failure to do so did not make the passenger a trespasser, or deny his rights as a passenger. A note to the Bradburn Case in 14 L.R.A.(N.S.) 526, shows that there is but very little other authority on the question, but that there is some lack of harmony in the cases. The North Carolina case of *M'Neill v. Durham & C. R. Co.* 132 N. C. 510, 95 Am. St. Rep. 641, 44 S. E. 34, 67 L.R.A. 227, held at first that an editor of a newspaper who was injured through the carrier's negligence while riding on a pass in violation of statute was in *pari delicto* with the carrier, and therefore could not base an action for his injuries upon such illegal contract. The statute making the pass unlawful imposed a penalty on the carrier for issuing it, but did not declare any penalty upon the passenger. But, on rehearing of the case, the court changed its doctrine, and rejected the theory that the doctrine of *pari delicto* was a defense. The ground of the final conclusion of the court was that the contract was absolutely void by statute, and that the carrier had a right to require payment of fare or eject the passenger, and, if it permitted him to remain on the train, the illegality of the contract made him merely a gratuitous passenger without any contract whatever. In the case of *Duncan v. Maine C. R. Co.* 113 Fed. 508, a person riding on a pass in violation of the Federal statutes, in a state where the rule of law denied any recovery by a person riding on a free pass for mere negligence of the carrier's servants, tried to avoid this rule of law on the ground that the pass was illegal; but the court said, if that fact made the pass void, the traveler was on the train without permission of the carrier, and without intention of paying his fare, and could not be regarded as a passenger. This case is obviously out of harmony with the others above referred to, and it must be conceded that the weight of the few authorities that have passed on the question is in support of the proposition that one riding in such a situation must be regarded as a passenger so long as the carrier does not refuse to recognize the validity of the pass, or demand payment of fare by him.

### Journalistic Reviews of Judicial Decisions.

It is the right of every American citizen to have his own opinion as to the soundness of a judicial decision, and to comment on it, no matter how little qualified he may be to do so intelligently. It is lawful, and not against public policy, for editors and other writers, whether they may be lawyers or laymen, to discuss freely the reasoning of the decisions of the courts. Some of these decisions on great questions vitally affect the rights and relations of multitudes of people in matters in which the public is profoundly interested, and it may be greatly stirred. The freest development of all shades of honest opinion on these questions tends to the enlightenment and the health of the body politic. But it is unfortunate that there are journals and writers who exploit themselves by discussing judicial decisions which they have not taken the pains to understand, but which they ignorantly, and in some cases it is to be feared maliciously, misrepresent. The lordly air of superiority with which, as with a wave of the hand, some of these *ex cathedra* utterances are delivered either in approval or disapproval of the court, is for the most part harmless so long as the court is not misrepresented, but, when a journal has, either by its merit, or by shrewd commercial management, or both, gained a great circulation, it is of some importance that it should not deceive and mislead the public with respect to what the courts have decided on questions of leading interest. For instance, when the Supreme Court of the United States decided recently that an act of Congress relating to the liability of railroads to employees was unconstitutional because it was not restricted to those engaged in interstate commerce, it was unfortunate that a widely read periodical should, in reviewing the decision, give its readers to understand that the members of the court were hopelessly split up on the question of the power of Congress to legislate on that subject. The fact was that the opinions of the justices unmistakably committed the court to uphold such an act of Congress if its opera-

tions were limited to interstate commerce. The decision of the court was therefore entirely misrepresented, and the readers of the journal, unless they knew better than to believe the article, were entirely deceived on a matter upon which public opinion was much aroused, and on which it was of no little importance that the facts should be understood.

Law journals cannot devote themselves entirely to following up and correcting the mistakes of the press on legal matters, and no doubt will often fail to see or hear of them. But it is a public service for every journal, whether it belongs to the class of law journals or not, to make such corrections whenever possible, so that there shall not be a dissemination of misinformation as to legal decisions, especially when they relate to matters of widespread and vital public interest.

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#### Duty to Stop, Look, and Listen at Drawbridge.

The rule adopted in case of railroad crossings, requiring a traveler to stop, look, and listen, seems to have been applied for the first time to a traveler approaching a drawbridge, in the case of *Anne Arundel County v. State* (Md.) 68 Atl. 602, 14 L.R.A.(N.S.) 452. A somewhat similar case, in which a wheelman rode at night and apparently at high speed into an open draw, where he had on two previous occasions been stopped by a chain that was absent on the occasion of this accident, is *Benedict v. Port Huron*, 124 Mich. 600, 83 N. W. 614, where it was held that the wheelman had no right to proceed without caution on the expectation of being stopped by a chain on the brink of a chasm. In another case, where a man seventy years of age, on a dark night, came to an open drawbridge where the gates on the stationary portion were closed, and when the gates were opened, started forward and fell into the river, it was held, in *Brennan v. Albany & G. Bridge Co.* 61 App. Div. 279, 70 N. Y. Supp. 344, that he was not guilty of contributory negligence, as a matter of law, in failing to discover that the draw was open. The Maryland case cites *Stephani v. Manito-*

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101 Wis. 59, 76 N. W. 1110, where it was held that the failure to look on approaching an open swing bridge when there was a light ahead that would show that the bridge was open constituted negligence. The court said that the approach to a swing bridge is an advertisement of danger to one who knows the character of the bridge, which speaks as loudly, and as logically calls for as great an exercise of care, as the track of a railway. In the Maryland case the court says: "The duty of a traveler about to cross a railroad to stop, look, and listen, both upon principle and authority, is equally imperative when approaching a drawbridge."

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#### Production of Gold as Public Purpose.

There is a conflict among the decisions on the question whether or not the business of mining for gold for the private use of the miner constitutes a business for a public purpose for which the right of eminent domain may be exercised. In a note to *Sutter County v. Nicols*, 15 L.R.A.(N.S.) 616, the various cases on the subject are reviewed. In the case just mentioned the supreme court of California held that such mining of gold entirely for the use of the miner was not for a public purpose, such that it could be authorized to be carried on to the injury of other private property. The case was one of injunction restraining the dumping of mining débris into a stream to the injury of plaintiff. Some of the other cases, as shown in the note, hold that roads and tramways for the development of mining industries and mining tunnels, and also the erection of machinery and the sinking of shafts for the development of gold mines, are for public purposes within the doctrine of eminent domain. The California cases, however, have denied this doctrine, and in the case mentioned the court says: "The production of sufficient gold to maintain the gold standard may be a matter of public importance, and it may be within the power of Congress to encourage it by appropriate legislation. It probably has the same power with regard to any other

industry tending to increase the wealth of the nation. It cannot be admitted, however, that the mining of gold to be applied wholly to the private use of the miner, to whatever extent it may increase the general output, is a public purpose in behalf of which the power of eminent domain may be resorted to, or for which the private property of others may be taken, or its injury lawfully authorized."

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**Refusal of Express Company to Receive Money Package for Shipment Next Day.**

The question whether the tender to an express company of a package of money after the last train for the day on which it can be sent has gone requires the package to be received by the company, so as to charge it with responsibility as a common carrier for the safety of the package over night, is one that has had very little consideration by the courts. A note to the case of *Platt v. Lecocq*, in 15 L.R.A.(N.S.) 558, discusses this question. That decision was rendered by the United States circuit court of appeals in the eighth circuit, and held that it was not reasonable to charge the express company with liability in such a case, where its rules and practice were to refuse such packages to be kept over night. The court discussed the decision in *Alsop v. Southern Exp. Co.* 104 N. C. 278, 10 S. E. 297, 6 L.R.A. 271, in which the majority of the supreme court of North Carolina held that an express company was required to receive such package, even after the departure of the regular train for the day, under a state statute which required the company to receive such packages "whenever tendered." But the chief justice dissented in that case, and his opinion is deemed by the court in the case of *Platt v. Lecocq* to be more persuasive than that of the majority of the court. The question is deemed, however, to be essentially one of reasonableness, and in the latter case the money was tendered by a bank which had a vault in which it could be safely kept over night, while the express company did not have any safe place for the

storage of valuables over night. These facts entered into the question of reasonableness in that case, and to some extent distinguished it from the *Alsop Case*. In view of the different results reached in the two cases, however, the question must be regarded as quite unsettled.

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**Constitutional Prohibition.**

The whole field of the law respecting the power of the legislature over traffic in intoxicating liquors might be reasonably supposed to have been thoroughly covered long ago. But there seems to be no end to the contests still made by the desperate fighters on both sides. The extreme foes of the liquor traffic are persistently, though foolishly, asserting in the face of overwhelming judicial authority that no legislature can constitutionally permit the sale of intoxicants, while the extremists on the other side are as vainly contending that prohibitory laws are in violation of the Constitution. A very extensive review of the whole mass of decisions on the subject of constitutional right to prohibit sales of intoxicants is made in a note to the Kansas case of *State v. Durein*, in 15 L.R.A.(N.S.) 908. In one of two cases that decided many years ago against the constitutionality of a prohibitory law, the opinion declared that the Almighty "made man a free agent; and, to give him opportunity to exercise his will to be virtuous or vicious as he should choose; He placed evil as well as good before him; He put the apple into the garden of Eden, and left upon man the responsibility of his choice,—made it a moral question, and left it so. He enacted as to that a moral, not a physical, prohibition. He could have easily enacted a physical prohibitory law by declaring the fatal apple a nuisance and removing it. He did not. His purpose was otherwise, and he has since declared that the tares and wheat shall grow together to the end of the world. Man cannot, by prohibitory law, be robbed of his free agency." But those two decisions have been completely overthrown by a long line of decisions throughout the country, to the general

effect that the whole subject of the regulation or prohibition of the liquor traffic is within the police power of the state for the legislature to decide, as Mr. Justice Harlan said in the case of *Mugler v. Kansas*, 123 U. S. 623, 31 L. ed. 205, 8 Sup. Ct. Rep. 273: "If, therefore, a state deems the absolute prohibition of the manufacture and sale within her limits of intoxicating liquors, for other than medical, scientific, and manufacturing purposes, to be necessary to the peace and security of society, the courts cannot, without usurping legislative functions, override the will of the people as thus expressed by their chosen representatives." The review of the decisions in the note mentioned shows that the ingenuity of counsel has thoroughly scrutinized the Constitution for possible restrictions on such legislation, and these are also discussed by the Kansas court. But the result in that court—and this was affirmed by the United States Supreme Court—fully sustains the doctrine that it is for the legislature to decide, in the exercise of the police power, what the interest of the public requires in this matter.

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#### *Power of Humane Officers in Seizure of Animals.*

In attempting to give the needed powers to humane officers or other officials whose duty it is to protect the interests of the helpless, the interests of those who may be coerced or interfered with by the statute are not always carefully guarded. Several cases have arisen in which such statutes have been contested on the ground of unconstitutionality. They agree for the most part in holding that the constitutional guaranty of due process of law is violated in permitting officials to take animals and charge the owner for their keeping, or otherwise to dispose of them, unless provision is made for notice to the owner and an opportunity to be heard in the case. The various decisions on the subject are reviewed in a note to the case of *Jenks v. Stump*, 15 L.R.A. (N. S.) 554. That case, decided by the supreme court of Colorado, was a replevin suit for cows. The defendant alleged that the owner abandoned, neglected, and cru-

elly treated them, and that they were seized solely to prevent their suffering and death from hunger, thirst, and neglect. The court reviews some of the authorities, and concludes as follows: "Applying the foregoing well-established principles to the case at bar, we find the statute seeks to clothe the humane society and its agents with extraordinary powers. By its terms the agent is the sole judge of whether an animal is neglected, abandoned, or illtreated, and whether it has sufficient food, nourishment, and shelter. The truth respecting the matter cannot avail, because the agent is clothed with power to take possession of the animals, regardless of their condition. No tribunal, or any hearing, is provided to determine the facts. The agent may, in his discretion, take possession and create a charge which becomes a lien upon the property without notice or hearing. The owner may have no knowledge that his property is being taken. No provision is made for the payment of any residue over and above the charge of the agent and the expense of the sale to the owner, and such payment is not required by this law, and this is one of the tests of its constitutionality. There is no penalty for failure to return the proceeds of any sale to the owner, and the only redress is by an action to recover the same, and the party aggrieved must himself initiate the action to have his day in court. We think such powers are inhibited by the Constitution, and must hold that the statute is in contravention of Article 2, § 25, Colo. Const., and of the 14th Amendment to the Federal Constitution, that it authorizes the taking of property without due process of law, and is not a valid exercise of the police power of the state."

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#### *Registration of Births and Deaths.*

The careful registration of blooded live stock and the entire lack of any record of the births and deaths of men and women in most states of the Union make a striking contrast. Doctor Dixon, the State Commissioner of Health of Pennsylvania, expressed this concisely

respecting the condition in Pennsylvania a few years ago. He said: "Outside of the cities and large boroughs, no record was made of the birth or death of a human being, although associations interested in live stock made it their duty to preserve careful histories of the births and deaths of blooded animals. No death certificates being required for burial, the doors stood wide open for graveyard insurance and the concealment of deaths by violence or poison." At present, however, Pennsylvania has probably the best law on the subject that has been enacted in this country. Under it, immediate record is made of every birth and death, and transmitted promptly to the state capitol at Harrisburg. In most other states scarcely a beginning has been made in this direction. The New England states, New York, Maryland, Indiana, South Dakota, Colorado, and California, and possibly one or two others, have some legislation for the registration of deaths, but the registration of births has been largely neglected. The United States as a whole is not yet represented in international vital statistics. We are behind most of the nations of the civilized world in this particular. As shown in a recent pamphlet from the Census Bureau, there are international tables given each year, in the report of the Registrar-General of Births, Deaths, and Marriages in England and Wales, showing the vital statistics for many successive years, not only for England and Wales, Scotland, Ireland, the Australian states, Tasmania, New Zealand, Ceylon, and Jamaica, but also for Denmark, Norway, Sweden, Russia, Finland, Germany, Austria, Hungary, Roumania, Bulgaria, Servia, Netherlands, Belgium, France, Switzerland, Spain, Italy, Japan, and Chile. It is not to the credit of this country that its vital statistics do not rank with those of other civilized nations.

The importance of such statistics can be readily seen. The Commissioner of Pensions recently pointed out the difficulties in establishing the rights of the children of soldiers and sailors in claims for pensions and military bounty lands because of the lack of such records. Every day rights of property are determined by the

courts in which proof of the date and place of birth or death of some person is the turning point of the case, and a record of the fact would prevent the danger of injustice. The value of vital statistics, especially the record of deaths, in determining sanitary questions, is obvious. Modern public-health administration is intimately dependent upon reliable mortality statistics. It is said that the beginning of national registration of births and deaths in England in 1836 marked the commencement of the sanitary era in which we live, and which is yearly witnessing greater triumphs in the conquest of disease. The registration of births and deaths also acts as a deterrent of crime. In the language of Dr. Cressy L. Wilbur, chief statistician of the United States Census Office, in an address to the Pennsylvania State Board of Health and Vital Statistics: "When a human being can pass or be sent from this world to the next without a single legal formality or inquiry into the cause of death at a time when definite information in regard to that cause can be ascertained, and the body be buried like that of a brute of low degree, . . . then is it not reasonable to suppose that those who trifle with human life will take full advantage of the laxity of the laws?" Proper registration of births and deaths is not only important in the investigation and administration of matters of public health and sanitation, in dealing with criminals, in the determination of the right to vote, and in settling rights as to property, but also for their value on other sociological and economic questions. The importance of these matters is so obvious that the neglect of them is inexcusable, and only an intelligent demand for them can be necessary to secure the needed legislation.

The necessity of care to secure wise laws on the subject when any attempt at legislation is made is emphasized in the Census Bureau's pamphlet. No law should be passed that is not so framed as to secure thoroughness in its administration. As this pamphlet declares: "A voluntary, or semi-voluntary, system, whereby physicians or other persons are expected to make returns of births or deaths, with or without a fee, and with

no check upon their compliance or non-compliance with the law, or with no official whose duty it is to see that its penalties are enforced in case of neglect, has always been, and must necessarily be, a failure." The law should require immediate registration in every instance, and a certificate of the fact. In case of death, burial, or removal, permits are declared essential. Responsibility for making reports must be fixed. A central registration office should have full control, and returns should be transmitted and preserved there, though duplicate records may properly be kept in the local offices. Above all, penalties must be provided and enforced when necessary. This pamphlet from the Census Bureau should be carefully read by all who are interested in the subject.

The fact that lawyers constitute so large a factor in every legislature makes it peculiarly important that members of this profession should take an especial interest in the subject. It is also obvious that their experience in litigation compels them to appreciate the importance of such records in a multitude of litigations. As the enlightened nations of the Old World have progressed much farther than our own country, we cannot be proud to lag long behind in a matter of such public importance.

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### *Ethical Standards of Lawyers.*

The perennial question whether a conscientious man can practise law comes chiefly from simple-minded people who have small conception of the true relations of a lawyer to his professional duties.

The more pertinent question is whether those who do practise law are conscientious men who are good citizens as well as lawyers. There is no denying that a great many people suspect lawyers generally of being more shrewd than honest, though nearly all of them are ready to pin their faith to the particular lawyer they employ. The integrity and honor of the best members of the legal profession are not questioned by the most enlightened and broad-minded men, but the tricky and dishonest character of too many lawyers is known to everybody. The theory of Lord Brougham that an attorney owes no duty to anybody but his client has no doubt lulled or deadened the conscience of a good many lawyers in doing some shady things for their clients. Aiming at high ideals may still leave us below them, but, in the temptations and moral perplexities of a lawyer's life, the absence of true ideals is fatal. It will certainly prove a tonic to the legal profession of this country to read the following canons of ethics adopted by the American Bar Association at its 31st annual meeting on August 27, 1908, at Seattle, Washington, which were prepared by a committee composed of Henry St. George Tucker, Virginia; Chairman; Lucien Hugh Alexander, Pennsylvania, Secretary; David J. Brewer, District of Columbia; Frederick V. Brown, Minnesota; J. M. Dickinson, Illinois; Franklin Ferriss, Missouri; William Wirt Howe, Louisiana; Thomas H. Hubbard, New York; James G. Jenkins, Wisconsin; Thomas Goode Jones, Alabama; Alton B. Parker, New York; George R. Peck, Illinois; Francis Lynde Stetson, New York; Ezra R. Thayer, Massachusetts.

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### *Canons of Ethics.*

#### I.

##### **PREAMBLE.**

In America, where the stability of courts and of all departments of government rests upon the approval of the people, it is peculiarly essential that the sys-

tem for establishing and dispensing justice be developed to a high point of efficiency, and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of justice pure and unsullied. It

cannot be so maintained unless the conduct and motives of the members of our profession are such as to merit the approval of all just men.

## II.

## THE CANONS OF ETHICS.

No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation, or in all the relations of professional life. The following canons of ethics are adopted by the American Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned:

1. *The Duty of the Lawyer to the Courts.*—It is the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

2. *The Selection of Judges.*—It is the duty of the bar to endeavor to prevent political considerations from outweighing judicial fitness in the selection of judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the bench; and it should strive to have elevated thereto only those willing to forego other employments, whether of a business, political, or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office, and not by a desire for the distinction the position may bring to themselves.

3. *Attempts to Exert Personal Influence on the Court.*—Marked attention and unusual hospitality on the part of a lawyer to a judge, uncalled for by the personal relations of the parties, subject both the judge and the lawyer to misconstructions of motive, and should be avoided. A lawyer should not communicate or argue privately with the judge as to the merits of a pending cause; and he deserves rebuke and denunciation for any device or attempt to gain from a judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the judge's station, is the only proper foundation for cordial personal and official relations between bench and bar.

4. *When Counsel for an Indigent Prisoner.*—A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

5. *The Defense or Prosecution of Those Accused of Crime.*—It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts, or the secreting of witnesses capable of establishing the innocence of the accused, is highly reprehensible.

6. *Adverse Influences and Conflicting Interests.*—It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned, given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity, and not to divulge his secrets or confidences, forbids, also, the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

*7. Professional Colleagues and Conflicts of Opinion.*—A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel; but, if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

*8. Advising upon the Merits of a Client's Cause.*—A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon; and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. The miscar-

riages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of juries and errors of courts, even though only occasional, admonish lawyers to beware of bold and confident assurances to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

*9. Negotiations with Opposite Party.*—A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

*10. Acquiring Interest in Litigation.*—The lawyer should not purchase any interest in the subject-matter of the litigation which he is conducting.

*11. Dealing with Trust Property.*—Money of the client, or other trust property coming into the possession of the lawyer, should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with his private property, or be used by him.

*12. Fixing the Amount of the Fee.*—In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transac-

tion, and in which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in the particular case, or antagonisms with other clients; (3) the customary charges of the bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client. No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice, and not a mere money-getting trade.

13. *Contingent Fees.*—Contingent fees, where sanctioned by law, should be under the supervision of the court, in order that clients may be protected from unjust charges.

14. *Suing a Client for a Fee.*—Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services; and lawsuits with clients should be resorted to only to prevent injustice, imposition, or fraud.

15. *How Far a Lawyer may Go in Supporting a Client's Cause.*—Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties, than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

The lawyer owes "entire devotion to the interests of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be

taken, or be withheld, from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within, and not without, the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicanery. He must obey his own conscience, and not that of his client.

16. *Restraining Clients from Improprieties.*—A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards courts, judicial officers, jurors, witnesses, and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

17. *Ill Feeling and Personalities between Advocates.*—Clients, not lawyers, are the litigants. Whatever may be the ill feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other, or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history, or the personal peculiarities and idiosyncrasies, of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

18. *Treatment of Witnesses and Litigants.*—A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive per-

sonalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

19. *Appearance of Lawyer as Witness for His Client.*—When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in court in behalf of his client.

20. *Newspaper Discussion of Pending Litigation.*—Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any *ex parte* statement.

21. *Punctuality and Expedition.*—It is the duty of the lawyer not only to his client, but also to the courts and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

22. *Candor and Fairness.*—The conduct of the lawyer before the court and with other lawyers should be characterized by candor and fairness.

It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a text-book; or, with knowledge of its invalidity, to cite as authority a decision that has been overruled, or a statute that has been repealed; or, in argument, to assert as a fact that which has not been proved, or, in those jurisdictions where a side has the opening and closing arguments, to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is unprofessional and dishonorable to deal other than candidly with the facts

in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence which he knows the court should reject, in order to get the same before the jury by argument for its admissibility; nor should he address to the judge arguments upon any point not properly calling for determination by him. Neither should he introduce into an argument, addressed to the court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

23. *Attitude toward Jury.*—All attempts to curry favor with juries by fawning, flattery, or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument, should be made to the court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

24. *Right of Lawyer to Control the Incidents of the Trial.*—As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories, and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety.

25. *Taking Technical Advantage of Opposite Counsel; Agreements with Him.*—A lawyer should not ignore known customs or practice of the bar, or of a particular court, even when the law permits, without giving timely notice

to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of court.

26. *Professional Advocacy other than before Courts.*—A lawyer openly, and in his true character, may render professional services before legislative or other bodies, regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his appearance before the courts; but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action.

27. *Advertising, Direct or Indirect.*—The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not *per se* improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real-estate firms or trust companies, advertising to secure the drawing of deeds or wills or offering retainers in exchange for executorships or trusteeships to be influenced by the lawyer. Indirect advertisement for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable.

28. *Stirring up Litigation, Directly or*

*through Agents.*—It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship, or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action, and inform thereof, in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring, or influence the bringing of, such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital attachés, or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant, or others, to seek his professional services. A duty to the public and to the profession devolves upon every member of the bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred.

29. *Upholding the Honor of the Profession.*—Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and to maintain the dignity of the profession, and to improve not only the law, but the administration of justice.

30. *Justifiable and Unjustifiable Litigations.*—The lawyer must decline to conduct a civil cause, or to make a defense, when convinced that it is intended merely to harass or to injure the opposite party,

or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty, to insist upon the judgment of the court as to the legal merits of his client's claim. His appearance in court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination.

31. *Responsibility for Litigation.*—No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer, upon his own responsibility, must decide what business he will accept as counsel, what causes he will bring into court for plaintiffs, what cases he will contest in court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

32. *The Lawyer's Duty in Its Last Analysis.*—No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though, until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But, above all, a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty,

as an honest man and as a patriotic and loyal citizen.

### III.

#### OATH OF ADMISSION.

The general principles which should ever control the lawyer in the practice of his profession are clearly set forth in the following Oath of Admission to the Bar, formulated upon that in use in the state of Washington, and which conforms in its main outlines to the "duties" of lawyers as defined by statutory enactments in that and many other states of the Union,\*—duties which they are sworn on admission to obey and for the wilful violation of which disbarment is provided:

##### *I Do Solemnly Swear:*

*I will support the Constitution of the United States and the Constitution of the state of . . . . .*

*I will maintain the respect due to Courts of Justice and judicial officers;*

*I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;*

*I will employ, for the purpose of maintaining the causes confided to me, such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;*

*I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;*

*I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;*

*I will never reject, from any consideration personal to myself, the cause of*

\* Alabama, California, Georgia, Idaho, Indiana, Iowa, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wisconsin. The oaths administered on admission to the bar in all the other states require the observance of the highest moral principle in the practice of the profession, but the duties of the lawyer are not as specifically defined by law as in the states named.

*the defenseless or oppressed, or delay any man's cause for lucre or malice. SO HELP ME GOD.*

We commend this form of oath for adoption by the proper authorities in all the states and territories.

### NOTES FROM OTHER NATIONS

A report by one of the five commissioners sent by the Chinese government in 1906 to study the science of government and contemplated reforms in all the principal capitals of the western nations has just been published in 120 volumes. It was after the return of these commissioners last year that the proclamation of a constitution was decided upon.

In Korea the Japanese have established a system of courts of law to supersede the Japanese consular courts, against which many complaints have been made. It is said that a code of law for Korea has been compiled by eminent legal authorities, and Japanese judges of eminence have been appointed to the highest positions in the courts. There is good reason to believe that the Japanese rule, though regarded as oppressive by the Koreans, will at least raise the administration of justice to a much higher level.

Recent events in China are of the greatest moment. The death of the Emperor Kwang-Hsu, and of the Dowager Empress Tsi-An, and the accession to the throne of a child three years old under the regency of his father, Prince Chun, present a situation with large possibilities of trouble on the one hand, or of progress on the other. The western world may well expect, however, that the forward movement in China, even if temporary setbacks occur, will not cease until what has seemed a moribund empire shall be recognized as a great power.

Consul Jewett, of Trebizond, and Consul General Ravadal, of Beirut, report that many restrictions on commerce have been removed by the Turkish government, and that Turkey has now become a new field of enterprise for Americans. Among other things, typewriters and electrical goods are now given free access to the country.

A bill for universal suffrage in Hungary has been presented to the Chamber of Deputies with some novel provisions to prevent the political power from falling into the hands of illiterates. It proposes to give one vote to every Hungarian twenty-four years of age, but assembles illiterates in groups of ten, giving each group the power to select a single elector.

President Leguia, who was recently inaugurated in Peru, announces a program for peace, progress, and the protection of the interests and rights of citizens. One of his plans is to modernize the Civil and Penal Codes. He says he shall be the head of the nation, and not of a party.

The ferment in Germany over the alleged indiscretions of the Kaiser in speaking too freely on matters affecting international relations has been unprecedented. The temper of the Reichstag has been stern and almost ominous. But the Kaiser has wisely accepted the rebukes given him, and yielded to the nation; promising in future to act only through the Chancellor and his associate ministers. The frequent instances during his reign in which he has caused some excitement by his words have hitherto ended without serious results of any kind, yet this seems to have stirred the nation to an extraordinary degree. The liberal press of the country are proclaiming this event as a new era of representative institutions, in which the people shall have a voice in directing the policies of the country, the Nation and the Crown acting together.

The end of a famous lawsuit at Agram, Austria, is just reported. About the time the Dutch settled New Amsterdam, Croatian nobles took the lands of peasants at Berdovec. An appeal was made by the peasants to the Emperor Ferdinand, but they were unable to get a decision. A battle was fought by about 10,000 of them

under Matthew Gubec, and they were beaten. Forty-two years ago, the inhabitants of Berdovec got the case reopened, and now it has been decided in their favor in consequence of abolition of serfdom in Croatia in 1848, and the scheme of redistribution of lands resulting therefrom. Some of the peasants became suddenly well-to-do, especially those who descended from Matthew Gubec.

The number of emigrants from Italy to North and South America between January 1, 1908, and September 1, 1908, is announced at 81,115, while during the same period 203,449 Italians returned to Italy, and of these 104,445 went from the United States.

Sir John Henry Puleston, member of Parliament for many years from North Wales, died October 19, 1908, at London, at the age of seventy-eight.

The number of paupers in England and Wales, according to the government report of January 1, 1908, is said to be 1 in 38 of the population.

An action against a father for the sum of 4s. 11d., on account of meals supplied to his children while attending school, was tried recently in a West London police court. This was under the act of 1906, authorizing meals to be furnished to children who need them and recovery therefor from the parent if he is able to make payment. The action was sustained.

A heat stroke which killed a coal trimmer who, while in a poor state of health, tried to work in the high, but normal, temperature of the stokehole on an Atlantic steamer, is held by the House of Lords, in Ismay, Imrie, & Co. v. Williamson, to be an "accident," within the meaning of the workman's compensation act of 1906. This certainly carries the meaning of the word "accident" to great lengths, if the death resulted from the effect of the usual and normal condition of the employment. According to this, death resulting from heart dis-

ease, or any other physical collapse, when one undertakes work for which he is physically unfit, must be deemed an accident.

The sale of obscene publications on the bookstalls is complained of by the English press. In a recent case a defendant charged with selling at a railway bookstall an indecent "summer annual" was dismissed because the seller was ignorant of the character of the paper, and the proprietors of the stall undertook at the trial not to sell it in future. It is said that the headmasters of schools have made earnest efforts to purge the bookstalls of these publications, but, as the *Law Times* says, "Success is largely frustrated by the supine attitude of the Home Office and Scotland Yard." As to the defense that the seller does not know the contents of the papers offered for sale, the *Law Times* says, "Allowing for this, we should have thought that it was not impossible to watch the production of those periodicals which every man of the world is aware largely subsist on garbage."

A strange story from St. Petersburg says that before the superior court of that city is the following will case: On the death of a wealthy landowner, his heirs vainly looked for a will for some time. But one day a young man happened to put into a graphophone which was in the dead man's library a record of what he supposed to be a popular song. But when the graphophone started, the dead man's voice was heard reciting the words of the missing will. It is said that the will is in flawless form, and the only question is whether the tracing of the words of a will on a graphophone cylinder is sufficient to make it valid.

The decision that the Australian law providing for the registration of a union-labor label as a trademark is unconstitutional, is said to have roused the labor organizations of that country to vigorous assaults upon the Federal high court which rendered the decision. The press representing the labor unions demands a radical change in the Constitution of the Commonwealth, which shall take away from the judiciary the power to overthrow a legislative act.

## INTERNATIONAL MATTERS

The first international moral education congress ever held convened in London September 23, 1908, with representatives from fourteen nations, and with the personal approval of King Edward. It dealt with various questions involv-

ing the relation of morals to religious, intellectual, and physical education.

A treaty between China and Japan regarding the Port Arthur-Chefu cable was signed at Tokio October 12, 1908.

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## JUDGES AND LAWYERS

The supreme court of California was given a banquet October 21, 1908, at Los Angeles, by the bar association of that city.

James Campbell, of Paducah, Kentucky, was recently appointed special judge of the circuit court for the term beginning October 27, 1908.

Justice S. S. Calhoon, of the supreme court of Mississippi, died November 10, 1908, at Jackson at the age of seventy. He was a Confederate veteran who refused to take the test oath during the reconstruction period while he was district attorney, and was therefore deposed. He was afterwards circuit judge, president of the Constitutional Convention of 1890, and finally became a judge of the supreme court. When he was nominated as a delegate to the Constitutional Convention under instructions that he disapproved, he positively declined to serve under them, and was afterwards chosen without instructions.

William D. Cornish, a close adviser of E. H. Harriman on railroad land matters, died a few days since at the Auditorium Annex in Chicago.

James Wortham died at his home in Leitchfield, Kentucky, October 18, 1908, at the age of fifty-seven. He had been a member of the state senate, and it is said could have been chosen to Congress at various times had he consented.

A fiendish outrage was perpetrated on

Col. R. Z. Taylor and Captain Quinten Rankin, the lawyers of Trenton, Tennessee, who were decoyed and captured by night riders, and the latter of whom was hanged, while the former, by a sudden and bold act, escaped by swimming. Another attorney is charged with complicity in the crime against them.

Frank M. Kiggins died in Washington October 26, 1908, at the age of forty-three years. He studied law at Georgetown University and George Washington University. He established the civil service in the Philippines in 1890, and was a friend of Judge Taft and President Roosevelt. He died at his desk as chief civil-service examiner.

Allan Langdon McDermott, prominent as an attorney and politician of New Jersey, died of heart disease October 26, 1908, at his home in Jersey City. He had suffered some years from the effects of a blow over the heart while sparring.

George N. Fickeissen, formerly assistant of Joseph W. Folk when he was circuit attorney, in the boodler prosecutions, died in Los Angeles, October 22, 1908.

Edward Murphy Robinson, formerly member of the Alabama legislature, and a prominent lawyer, died by suicide at his home in Mobile October 25, 1908.

Russell Ingalls Dickinson, a prominent and very wealthy lawyer of Prophets-town, Illinois, died at Roanoke, Virginia,

October 28, 1908, at the age of eighty-six. He had given much money to the work of the Congregational Church.

D. W. Burchard, formerly district attorney of San José, but since a lawyer of San Francisco, died there October 22, 1908, of apoplexy. He was twice chosen by his party for the superior bench, but not elected.

Luther M. Norton, president of the Wayne County Bar Association, and formerly county judge, died at his home in Newark, New York, October 25, 1908, at the age of seventy-six.

Walter Van Rensselaer Berry, of Washington, District of Columbia, has been appointed judge of the international court of first instance at Cairo to fill a vacancy caused by promoting Summerville P. Tuck to the court of appeals.

John Miller, ex-governor of North Dakota, who led the fight against the Louisiana Lottery in that state, died in Duluth, Minnesota, October 27, 1908.

Matthew J. Scrafford, of Chicago, died October 16, 1908. For many years

he was assistant general solicitor of the Chicago & Alton Railway.

Oliver P. Johnson died October 13, 1908, at the age of seventy-two, and was buried in the Confederate section of Arlington National Cemetery. He once practised law at Georgetown, and was justice of the peace there, but afterwards practised in Washington. He was major of Virginia troops in the Confederate Army, and, for several terms, a member of the Maryland legislature.

Henry V. Freeman, justice of the branch appellate court of the first district, of Chicago, Illinois, has, at his own request, been relieved by the supreme court, and will be succeeded by Judge Alex Chytraus, of the superior court. These judges will change places.

General Richard Coulter, a veteran of the Mexican and Civil Wars, as well as a lawyer and prominent business man, died at Greensburg, Pennsylvania, October 14, 1908.

Robert Hayden, a well-known attorney of Paducah, Kentucky, died there October 15, 1908, at the age of sixty-nine.

## LAW SCHOOLS

The annual debate in the Washington College of Law on October 27, 1908, was on the question, "Resolved, That Congress shall not interfere in the Federal courts' issue of injunctions in labor disputes." The affirmative won.

At the Law Department of Stanford University, a new course of lectures has been instituted. Among the lecturers is Justice Sloss, of the supreme court of California.

Law students in the University of California have started a movement to obtain the privilege of admission to the bar on graduation, without a formal bar examination.

The law department of Michigan University has added one year to the age requirement of entering students, making it nineteen for the first year, twenty for the second, and twenty-one for the third class, or for special students. Proposed students are encouraged to spend this additional year of preparation in general college work, and also to take the six-year combined literary and law course. A distinction between college and noncollege graduates is to be made by conferring the degree of Juris Doctor (J. D.) only upon graduates of approved universities and colleges who complete the full three years' law course.

## NEW LAW BOOKS

Good's "Index to Cases Construing the Statutes and Constitution of Pennsylvania, and the British Statutes." 2d ed. 1 vol. \$8.

"The Science of Jurisprudence." By Hannis Taylor. \$3.50.

Pratts' "Digest of National Banking Laws." 1908 edition. \$2.

"Probate Law and Practice." For the western states. By Peter V. Ross. 2 vols. Buckram, \$13.

Holland's "Laws of War on Land (Written and Unwritten)." \$1.50.

Dicey's "Introduction to the Study of the Law of the Constitution." \$3.50.

Pierce's "Digest of Interstate Commerce Decisions." \$6.

Vale's "Digest of Pennsylvania Decisions." In 10 vols. \$8 per vol. Vols 1 and 2 now ready.

"Digest of Opinions of Attorneys General." Covering Vols. 17 to 25. \$2.50.

Joyce on "Franchises, Especially Those of Public Service Corporations." Buckram, \$6.50.

Bradbury's "Forms of Pleadings." (New York) 2 vols. Buckram, \$13.

"The Law of Torts." By Melville M. Bigelow. 3d ed. (Putnam's) Cloth, \$4.

"Ideals of the Republic." By James Schouler. Cloth, \$1.50.

Torbert's "Index Digest of District of Columbia Cases." 2 vols. Price until January 1, 1909, \$10. After January 1, 1909, \$12. Vol. 1 now ready.

Banks' "Lawyers' Diary and Directory 1909." \$2.

Bender's "Lawyers' Diary 1909." \$2.

## RECENT ARTICLES IN LAW JOURNALS AND REVIEWS

"The Application of a Depreciation Charge in Railway Accounting."—16 Journal of Political Economy, 585.

"History of the Employment of Women in the American Cotton Mills. Part I."—16 Journal of Political Economy, 602.

"The History of the Criminal Law."—8 Criminal Law Journal of India, 17.

"Heredity, Education, and Crime."—8 Criminal Law Journal of India, 28.

"Literary Style as Evidence of Authorship of Disputed Writing."—12 Law Notes, 147.

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"The Nationality of a Juristic Person."—22 Harvard Law Review, 1.

"Federal Taxation of Interstate Commerce."—22 Harvard Law Review, 27.

"The Federal Employers' Liability Act of 1908—Is it Constitutional?"—22 Harvard Law Review, 38.

"The Breach of an Unconditional Contract between a Shipper and a Carrier to Transport and to Deliver an Emergency Shipment at a Specified Destination by a Stated Time is not Excused by Inevitable Accident or Necessity, and Such Unconditional Contract is not Abrogated by, or Merged in, a Writing Subsequently Made, Purporting to Waive Such Contract, without a New and Independent Consideration."—67 Central Law Journal, 336.

"Dilapidations."—125 Law Times, 589.

"So-Called Trusts or Big Corporations."—8 The Brief, 129.

"The American Bar Association's Canons of Ethics."—8 The Brief, 147.

"Regulation of Rates to be Charged by Public Service Corporations. I. Miscellaneous Enterprises Affected with a Public Interest."—67 Central Law Journal, 299.

"Once a Highway Always a Highway."—28 Canadian Law Times and Review, 792.

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"Evidence in Actions against Infants."—28 Canadian Law Times and Review, 830.

"Res Judicata."—10 Bombay Law Reporter, 145, 161.

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## THE HUMOROUS SIDE

**How it Looked on the Record.**—In the records of a county clerk in Colorado, the name "Eugene Taylor" is found listed as follows, "You Gene Taleur." This cuts the name on a French bias.

**Smash the Server.**—An attorney who dictated a motion to quash a summons to his stenographer sends the following specimen of the document as copied: "Comes now the defendant and appears for the purpose of this motion only, and specially moves the court to smash the person who served the summons because he served it after the return day."

**An Impromptu Epitaph.**—In a certain court out west, a witness being cross-examined as to his drinking habits finally retorted to the attorney, "Yes, I do take my drink, but I was not drunk at that time, nor have I ever been too drunk to write your epitaph." The lawyer said, "Well, you might spurt that out now to see how sober you are." The witness met the challenge with this ready response: "Ofttimes at the bar did Jones appear

Sometimes to ask for justice, sometimes to call for beer.

He got plenty of what he called for, always, very well,

If at last he got what he asked for, poor Jones is now in h—l."

**Too Much Campaigning.**—After the close of a political campaign in North Carolina, a firm of attorneys who had both been in the thick of political activity during the campaign were engaged by the prosecution in a case of cruelty to animals. One of them, glancing over the warrant, saw at a glance that it failed to charge any crime, and began to feel of his adversary as follows: "If it should be deemed necessary to amend this warrant, we would be glad to have it done now." His colleague quickly scrambled to him, and whispered very audibly in his ear, "We don't want this warrant amended, do

we?" At this the attorney, thinking possibly he had got mixed up, and taken the wrong side, was much perplexed, and finally elbowed his colleague to a corner and desperately asked him, "Which side of this case are we on? I'll be d—d if I know."

**What's in a Name?**—A Kansas lawyer sends us this item: The supreme court of Oklahoma recently wrestled with a case entitled "Bracken v. Stone" (95 Pac. 236). Bracken lost. Query: Did Sir Walter Scott have some prophetic vision of this when, in the Lady of the Lake, stanza 10, canto 5, he wrote: "The next, all unreflected, shone  
On bracken green, and cold grey stone."

**Hard on Lawyer D.**—The following journal entry was taken from the criminal docket of a justice of the peace in B— county, Oklahoma:

Jan'y — 190—.

"Territory vs. ——.

"Territory vs. ——.

"A—has this day paid One dollar for using indecent langue cursing and swearing in his own house in C—. Township before his own family and one lawyer D— from ——, Mo."

**Was "Find" for His "Argumend."**—The following is a complete and literal transcript (names excepted) of a police-court judgment sent us by a correspondent. The heading at the top, which was made by rubber stamp, shows that the mayor is also a man of business.

"A. H. F—

"PROPRIETOR OF

"BLACKSMITH and WAGEN SHOP  
"DEALER IN FARM EMPLEMENS  
"——, S. DAK. Sep 16 1908.

"W. G. C—

"in Polis cort

"a argumend betwin C. W— and W.  
G. C—

"at C. W.—— offeys —W. G.  
C— find paid \$10. Dolors.

"A. H. F—

"Mayor W—



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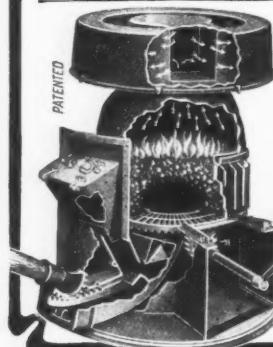
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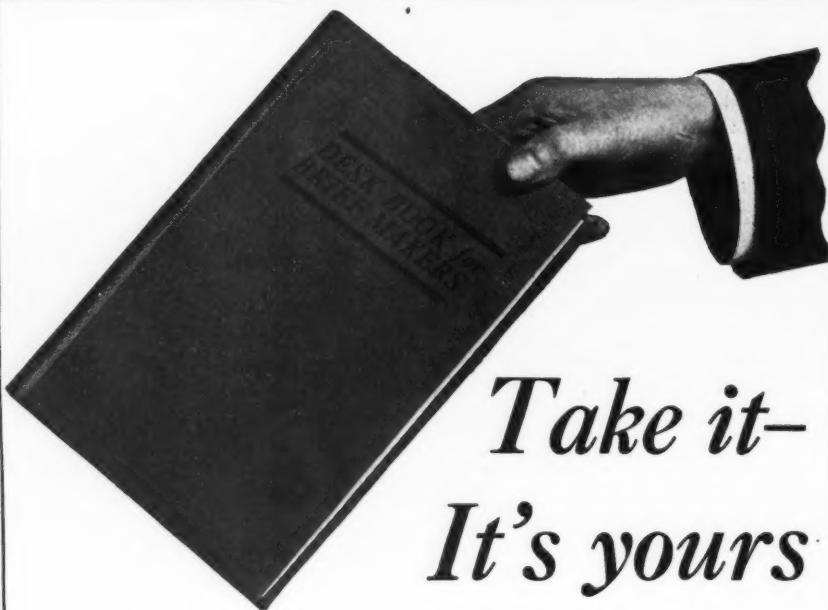
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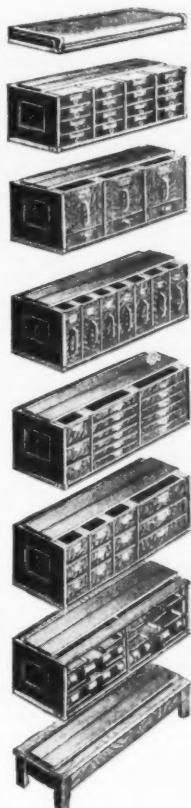
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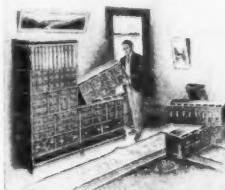
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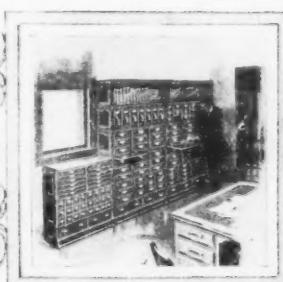
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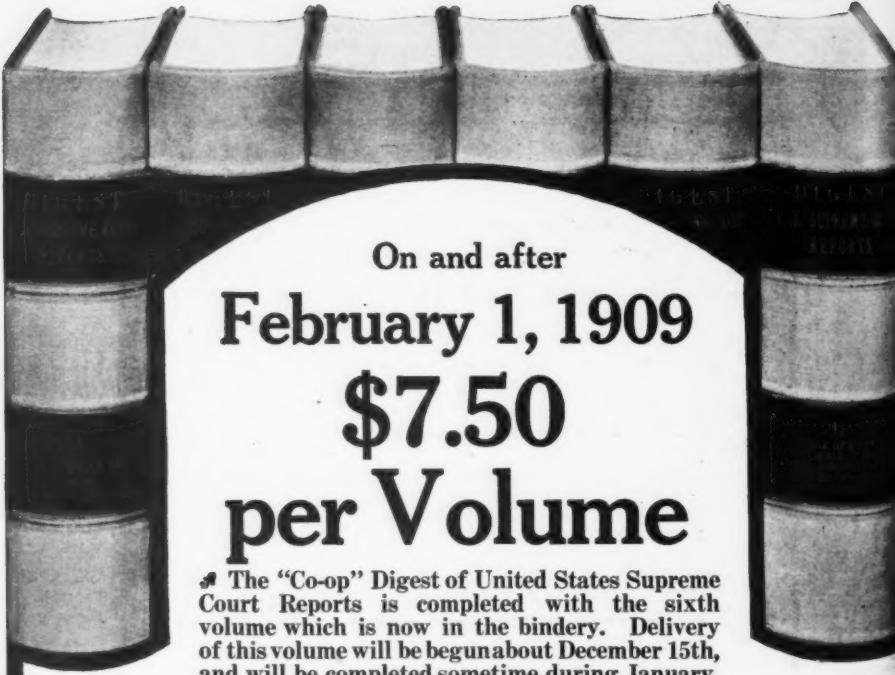
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